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CHEVRON U.S.A. INC.,
a Pennsylvania corporation

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION

MARK SNOOKAL, an individual,

Plaintiff,

vs.

CHEVRON USA, INC., a California
Corporation, and DOES 1 through 10,
inclusive,

Defendants.

Case No. 2:23-cv-6302-HDV-AJR

**DECLARATION OF H. SARAH FAN IN
SUPPORT OF DEFENDANT
CHEVRON U.S.A., INC.'S
OPPOSITION TO PLAINTIFF'S EX
PARTE APPLICATION FOR:**

**(1) LEAVE TO SUPPLEMENT
OPPOSITION TO DEFENDANT'S
MOTION FOR SUMMARY
JUDGMENT;**

**(2) LEAVE FOR PLAINTIFF TO TAKE
FURTHER DISCOVERY; AND**

**(3) LEAVE TO FILE MOTION
SEEKING DISCOVERY SANCTIONS**

(Dkt. No. 35)

District Judge: Hon. Hernán De. Vera
Magistrate Judge: Hon. A. Joel Richlin

Action Filed: August 3, 2023
Trial Date: February 4, 2025

DECLARATION OF H. SARAH FAN

I, Sarah Fan, declare as follows:

1. I am an attorney licensed to practice law in California. I am an associate with the law firm Sheppard, Mullin, Richter & Hampton LLP, counsel of record for Defendant Chevron U.S.A., Inc., a Pennsylvania corporation (“Chevron U.S.A.”). I make I have personal knowledge of the facts set forth below and, if called as a witness, could and would testify competently to such facts under oath.

2. Plaintiff has taken six depositions in this case thus far, including four of the doctors involved in the MSEA determination—Dr. Mark Levy, Dr. Eshiofe Asekomeh, Dr. Ujomoti Akintunde, and Dr. Victor Adeyeye. Aside from Dr. Levy, these doctors have never been employed by Chevron U.S.A., and their depositions had to be coordinated through Chevron Nigeria, Limited (“Chevron Nigeria”), which is a wholly separate and distinct corporate entity from Chevron U.S.A. I defended the depositions of Drs. Akintunde and Adeyeye, and neither of these witnesses testified that Dr. Stephen Frangos was involved in Plaintiff’s MSEA determination in any way, nor indicated that he was a decisionmaker with respect to the determination.

3. On November 15, 2024, at 6:00 a.m., I attended the deposition of Dr. Victor Adeyeye as noticed by Plaintiff. Although Dr. Adeyeye was prepared to proceed and complete his deposition, the deposition was terminated early by the court reporter, who indicated that she could not continue with the deposition because she could not understand Dr. Adeyeye’s accent. The parties are currently coordinating a mutually available date to continue Dr. Adeyeye’s deposition.

4. After Plaintiff noticed the depositions of the doctors located in Nigeria, Chevron U.S.A. worked diligently to coordinate with Chevron Nigeria regarding the doctors’ availability for deposition, taking into account their schedules, availability, and clinical duties, as well as the 8-9 hour time difference between California and Nigeria.

1 5. On November 20, 2024, Plaintiff's counsel gave notice of this ex parte
2 application by voicemail and by email, stating generically that Plaintiff was seeking leave
3 to take additional discovery, to file a motion for discovery sanctions, and to file a
4 supplemental opposition to Chevron U.S.A.'s pending and fully-briefed Motion for
5 Summary Judgment. Prior to this Plaintiff's counsel had not made any effort to meet and
6 confer regarding any discovery regarding Dr. Frangos they allege they need.

7 6. On November 20, 2024, at approximately 2:54 p.m., I called Plaintiff's
8 counsel Olivia Flechsig, to get more information about the nature of Plaintiff's ex parte
9 application. Ms. Flechsig told me that they wanted to take the deposition of Dr. Frangos,
10 and to file a supplemental opposition to Chevron U.S.A.'s MSJ, and that they wanted to
11 seek sanctions for the purported concealment of the email chain at issue. When I
12 inquired about whether the parties could reach an agreement which would obviate the
13 need for the parties to engage in unnecessary and costly motion work, particularly on the
14 even of the MSJ hearing and shortly before trial, Ms. Flechsig informed me that Plaintiff
15 did not believe there was any stipulation the parties could reach that would obviate t he
16 need for his ex parte application. Less than three hours later, Plaintiff filed his ex parte
17 application with the court.

18
19 I declare under penalty of perjury under the laws of the State of California that the
20 foregoing is true and correct, and that this Declaration was executed on November 21,
21 2024, at Culver City, California.

22
23
24 /s/ Sarah Fan

25
26 _____
H. SARAH FAN